

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
RESPONDENT,

V. .

CASE NO. 00-0048

JAF

JULIO PEREZ RUIZ,
PETITIONER,

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CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

PETITIONER'S REQUEST FOR ADJUDICATION ON THE MERITS ON
HIS MOTION SEEKING RESOLUTION OF A QUESTION OF LAW AND
A REQUEST FOR CORRECTION OF A MANIFEST INJUSTICE

Now comes the petitioner, Julio Perez-Ruiz, pro-se, in the above styled cause, and request this honorable court for adjudication on the merits on his motion seeking resolution of a question of law and on his request for correction of a manifest injustice. The petitioner states the following to wit in support:


The petitioner, having filed a motion requesting the court to resolve a question of law and to correct a manifest injustice in light of Constitutional error pursuant to U.S. v. Booker, 542 U.S. 296 (2004), and having had this court deny the motion without review or resolution on the merits, now request this honorable court to afford him adjudication on the merits of the same motion. The petitioner brings to the court's attention that its order of denial dated April 30, 2008, does not state factual findings and conclusions of law, which would support the court's denial, and such is warranted at this time. In concert with factual findings and conclusions of law, this court must address and adjudicate the matters presented in the motion on the merits.

The petitioner brings to the court's attention that there does not exist a final order for appeal purposes, and the appeal will be void in the event, the court does not address and adjudicate the claims presented on the merits. See, Andrews v. U.S., 373 U.S. 334, 340, 83 S.Ct. 1236, 1240, 10 L.Ed.2d 383 (1963).

Given the fact that the petitioner presents a question of law that requires resolution, coupled with the fact that there exist a manifest injustice in light of Constitutional Booker error, adjudication on the merits and finality is warranted at this time.

For the followings stated, the petitioner request this honorable court to grant his request for adjudication on the merits for his motion seeking resolution of a question of law and correction of a manifest injustice.

Respectfully Submitted,

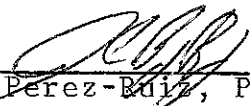


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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing
has been forwarded to the following parties listed below by way
of United States Mail on this 28 day of Mayo 2008.

United States Attorneys Office
350 Carlos Chardon Avenue
Hato Rey, Puerto Rico 00918



Julio Perez-Ruiz, Pro-se